

## D36 Development Services - Customer Support

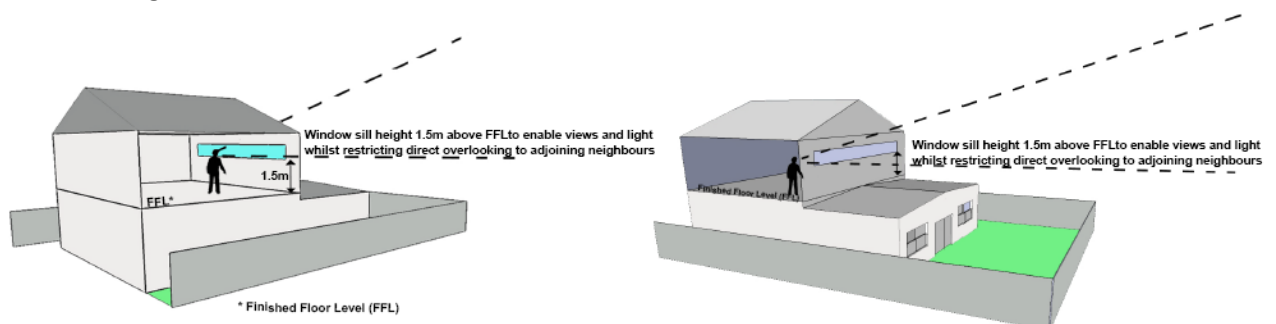
Charles Sturt Planning and Development staff are happy to explain approved developments and the legal obligations that have been followed for these to reach approval. We ask that interactions with staff remain respectful, and that you recognise you may not necessarily receive a response that meets your desired outcome.

Charles Sturt staff act in the legal interest of our Council as a whole, and staff are unable to focus on any one particular preference of concerned parties. We support all ratepayers by undertaking the required processes under the Development Act and design outcomes in accordance with technical requirements of the Development Plan or Building Code.

We will be able to assist you with many of your enquiries stemming from development adjoining or near land that you own. There will also be instances, however, where there are impacts arising from development that are not part of our responsibility. When this occurs, you may personally need to take action or discuss these with the other involved party.

### ***What we can assist you with***

- **Understanding a development** – Providing information on what has been approved and why a particular design outcome has been achieved.
- **Inspecting development** – Investigating approved developments and ensuring the work underway on the site or the use and its hours of operation fits with the approval.
- **Notification prior to development** – Applications that fall under a Category 2 or 3 classification will involve consultation with adjoining owners and occupiers before a decision is issued. Most residential development is Category 1 and we are expressly forbidden under the Development Act to consult on this category of development. As a result you are unlikely to be notified of any residential development. Should you become aware of a new development we can show you the plans at our office on Woodville Road.
- **Overlooking concerns** – Overlooking from upper level windows to private open space or living areas of a dwelling. New developments are required to limit views from upper level windows or balconies by screening windows or balconies to 1.5m in height above the finished floor level. Where this has been provided we cannot require more from the developer. If it appears that the work on the ground is inconsistent with this standard then Charles Sturt staff will investigate and take appropriate action where needed. The diagrams below show how the 1.5m sill height or screening limits views.



- **Fencing development applications** – Regular fencing over 2.1m in height to the lower ground level, masonry fencing exceeding 1m to the lower ground level, or fencing at West Lakes and in historic conservation areas requires Development Approval and our staff will assist in this regard.
- **Stormwater concerns** – *Public* – The pollution of our waterways is a serious issue and one that the City of Charles Sturt regulates closely. If you observe any pollutants entering the drains or running into the gutters (e.g. sand, concrete slurry, paints, etc.) contact our Environmental Health team on 8408 1111.
- **Encroachment issues** – When a new development is underway and it is not being constructed in accordance with the approval, we are able to address this aspect. If this is the case our staff will investigate and address this under the Development Act.
- **Building along the shared boundary** – Development is able to be located on the shared boundary and may replace the shared fencing. The boundary wall does not become shared property and belongs to the owner of the land on which the building is sited. Typically the length and height of walls should be 8m in length and 3m in height above the footing but slightly larger walls may be approved after an assessment of visual impacts and overshadowing by the relevant planning authority. You will not be consulted on this aspect unless the development is Category 2 or 3.
- **Hours of activity concerns** – If you are concerned with the hours of operation of a land use on a particular site, contact the Planning Department on 8408 1111 to enquire if any conditions of consent restrict hours of operation. Please note we will have no ability to restrict operating hours if no hours of operation were conditioned for the site.
- **Air pollution/dust** – If you are concerned with dust blowing off a construction site or in relation to air pollution, please call Customer Contact at Council on 8408 1111. Please note that if the concern relates to an EPA licences premises your concern will be forwarded to the EPA for their investigation.
- **Noise – Construction, machine and industrial and other non-domestic noise** –

**Construction noise** – Development construction noise with an adverse impact on amenity should take place between 7am to 7pm Monday to Saturday (excluding public holidays). The builder should ensure that all practical steps are taken to reduce the impact of noise emissions to neighbouring properties. If you are concerned in relation to construction noise please call Customer Contact at Council on 8408 1111.

**Machine noise** - Maximum permissible noise levels exist for certain types of machines during specified times, i.e. lawnmowers, power tools/equipment, swimming pool pumps & filters and domestic air conditioners. If you have concerns in relation to these types of noises please call Customer Contact at Council on 8408 1111.

**Industrial and other non-domestic noise** – Maximum levels of noise exposure are regulated for people living near industrial and other non-domestic premises. If these premises are not licenced by the EPA Council is able to assist in relation to concerns.

### ***What you will need to pursue on your own behalf***

- **Notification** – As most forms of residential development are Category 1 and cannot be notified during assessment you may only become aware of new residential development once it is commenced on the land. Any concerns you have in relation to this category of development around built form and design need to be raised directly with the applicant or owner. We can provide you with contact details for this to occur.
- **Overlooking** – Should you feel that an alternative outcome should be pursued from what is legally required and approved under the Development Act then you will need to pursue this with the developer personally. Staff can provide you with the relevant contact details should you wish to pursue this avenue.
- **Fencing** – Other than when a fence and retaining wall requiring Development Approval, fencing matters are civil matters between neighbours including who organises the fence construction and payment division. For information on your rights and responsibilities please refer to “Fences and the Law” brochure produced by the Legal Services Commission of South Australia. The brochure is available at our office or <http://www.lawhandbook.sa.gov.au/ch31s02.php>. Alternatively you can contact the Legal Services Commission on 1300 366 424 for assistance with this matter. The University of Adelaide also provide free legal advice for minor civil claims. Contact 8204 2444 to make an appointment or visit their website, <http://law.adelaide.edu.au/free-legal-clinics/magistrates-court-legal-advice/>
- **Property damage** – It is suggested that you consult a solicitor if you wish to take action in relation to any damage to your property as a result of a neighbours’ action.
- **Encroachments** – are a civil matter that does not involve Council, unless it is a new structure that is not being built in accordance with its approval. It is suggested that you consult a solicitor if you wish to take action in relation to an encroachment not involving new building work. If there is an encroachment dispute, the South Australian civil courts are responsible for resolving disputes and have the power to make orders.
- **People noise** – This includes noise from parties, loud TVs/radios, musical instruments, [music events/festivals](#) and revving vehicles. What can you do? [Contact your local police station.](#)
- **Liquor licensed premises** – From pubs, nightclubs and other premises licensed under the [Liquor Licensing Act 1997](#). [Contact Consumer and Business Services.](#)